



9110-04-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG-2013-0034]

RIN 1625-AA87

Security Zone; North American International Auto Show; Detroit River, Detroit, MI

AGENCY: Coast Guard, DHS.

ACTION: Final rule; notice of enforcement of regulation

SUMMARY: The Coast Guard is adding a permanent security zone, which will be enforced 2 weeks each year, on the Detroit River, Detroit, Michigan. This security zone is intended to restrict vessels from a portion of the Detroit River in order to ensure the safety and security of participants, visitors, and public officials at the Annual North American International Auto Show (NAIAS), which is held at Cobo Hall in downtown Detroit, MI.

DATES: This rule is effective without actual notice [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER]. For the purposes of enforcement in 2014, actual notice will be used from 7 a.m. January 13, 2014, until 11:59 p.m. January 26, 2014. For 2014, the North American International Auto Show, Detroit River,

Detroit, MI security zone described in 33 CFR 165.915(a)(3) will be enforced from 7 a.m. to 11:59 p.m. daily, from January 13, 2014, through January 26, 2014.

ADDRESSES: Documents mentioned in this preamble are part of docket number USCG-2013-0034. To view documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov>, type the docket number in the "SEARCH" box and click "SEARCH." Click on "Open Docket Folder" on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12-140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or e-mail LT Adrian Palomeque, Prevention Department, Sector Detroit, Coast Guard; telephone (313)568-9508, e-mail Adrian.F.Palomeque@uscg.mil. If you have questions on viewing material to the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone 202-366-9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

DHS	Department of Homeland Security
FR	Federal Register
NPRM	Notice of Proposed Rulemaking
TFR	Temporary Final Rule

A. Regulatory History and Information

On March 29, 2013, the Coast Guard published a notice of proposed rulemaking (NPRM) entitled Security Zones; Captain of the Port Detroit in the Federal Register (78 FR 19161). No comments were received in response to the March 29, 2013 publication in the Federal Register; a public meeting was not requested, and no public meetings were held.

In addition to the aforementioned NPRM, the Coast Guard had published multiple temporary final rules (TFRs) in the past in response to the Annual North American International Auto Show (NAIAS), annually establishing a temporary security zone to protect participants and spectators associated with the NAIAS. Because this event will likely continue to recur annually, the Captain of the Port Detroit is establishing a permanent security zone, thus alleviating the need to publish annual TFRs in the future.

B. Basis and Purpose

For two weeks in the month of January, the Annual North American International Auto Show will be held at Cobo Hall in downtown Detroit, MI. The NAIAS is the prime venue for introducing the world's most anticipated vehicles. In 2013, the NAIAS attendance for the public showing was nearly 800,000

people and press preview days attracted over 5,000 journalists representing 62 countries. Attendance and participation at the 2012 and 2011 NAIAS events were similar, and the attendance and participation at future NAIAS events is anticipated to be similar too.

In years past, NAIAS has attracted numerous protesters from various organizations due to the state of the economy, worker layoffs, and the closures of automotive dealerships around the country. Because of the likely presence of high profile visitors at future NAIAS events, it is possible that protests may continue in subsequent years. Consequently, the Captain of the Port Detroit has determined that establishing a security zone in the vicinity of the NAIAS event is necessary to safeguard portions of the Detroit River from destruction, loss, or injury from sabotage or other subversive acts.

C. Discussion of Comments, Changes and the Final Rule

As stated previously, no comments were received in response to the NPRM published on March 29, 2013, and no public meetings were requested or held. We made no changes from the proposed rule in the NPRM.

As for the actual rule itself, the Captain of the Port Detroit has determined that establishing this permanent security zone is necessary to safeguard portions of the Detroit River

during NAIAS events. Thus, the Coast Guard is amending 33 CFR 165.915 by adding paragraph (a)(3), which will establish a permanent security zone. The security zone will be enforced for the duration of the event and will encompass an area of the Detroit River beginning at a point of origin on land adjacent to the west end of Joe Lewis Arena at 42° 19.44' N, 083° 03.11' W; then extending offshore approximately 150 yards to 42° 19.39' N, 083° 03.07' W; then proceeding upriver approximately 2000 yards to a point at 42° 19.72' N, 083° 01.88' W; then proceeding onshore to a point on land adjacent the Tricentennial State Park at 42° 19.79' N, 083° 01.90' W; then proceeding downriver along the shoreline to connect back to the point of origin (NAD 83). Vessels in close proximity to the security zone will be subject to increased monitoring and boarding. The precise times and dates of enforcement for this security zone will be determined and published annually.

This final rule references an annual notice of enforcement that will announce the exact dates for the 2 weeks in January that the security zone will be enforced. See 33 CFR 165.915 (a)(3). For 2014, the North American International Auto Show, Detroit River, Detroit, MI security zone will be enforced from 7 a.m. to 11:59 p.m. daily, from January 13, 2014, through 26, 2014.

All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on scene representative. Entry into, transit, or anchoring within the security zone is prohibited unless authorized by the Captain of the Port Detroit or his designated on-scene representative. The Captain of the Port or his designated on-scene representative may be contacted via VHF Channel 16.

The Captain of the Port will use all appropriate means to notify the public when the security zone in this rule will be enforced. Such means may include, among other things, publication in the Federal Register, Broadcast Notice to Mariners, Local Notice to Mariners, or, upon request, by facsimile (fax). Also, the Captain of the Port will issue a Broadcast Notice to Mariners notifying the public if enforcement of the affected area in this section is cancelled prematurely.

D. Regulatory Analyses

We developed this rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on these statutes and executive orders.

1. Regulatory Planning and Review

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, as supplemented by Executive Order 13563, Improving

Regulation and Regulatory Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of Executive Order 12866 or under section 1 of Executive Order 13563. The Office of Management and Budget has not reviewed it under those Orders. It is not "significant" under the regulatory policies and procedures of the Department of Homeland Security (DHS). We conclude that this rule is not a significant regulatory action because we anticipate that it will have minimal impact on the economy, will not interfere with other agencies, will not adversely alter the budget of any grant or loan recipients, and will not raise any novel legal or policy issues. The security zone created by this rule will be relatively small and enforced for relatively short time. Also, the security zone is designed to minimize its impact on navigable waters. Thus, restrictions on vessel movement within that particular area are expected to be minimal. Under certain conditions, moreover, vessels may still transit through the security zone when permitted by the Captain of the Port.

2. Impact on Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601-612), we have considered the impact of this rule on small entities. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number

of small entities.

This rule will affect the following entities, some of which may be small entities: the owners or operators of vessels intending to transit or anchor in the previously mentioned portion of the Detroit River, Detroit, MI between 8 a.m. and midnight on the dates of the event, which will be determined annually. The security zone will not have a significant economic impact on a substantial number of small entities for the following reasons: this rule will not obstruct the regular flow of commercial traffic and will allow vessel traffic to pass around the security zone. In the event that this security zone affects shipping, commercial vessels may request permission from the Captain of the Port Detroit to transit through the security zone. The Coast Guard will give notice to the public via a Broadcast to Mariners that the regulation is in effect.

3. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104-121), we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the FOR FURTHER INFORMATION CONTACT, above.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1-888-REG-FAIR (1-888-734-3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

4. Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520).

5. Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this rule under that Order and determined that it does not have implications for federalism.

6. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to contact the person listed in the "For Further Information Contact" section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places or vessels.

7. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531-1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 (adjusted for inflation) or more in any one year. Though this rule will not result in such expenditure, we do discuss the effects of this rule elsewhere in this preamble.

8. Taking of Private Property

This rule will not cause a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

9. Civil Justice Reform

This rule meets applicable standards in sections 3 (a) and 3 (b) (2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

10. Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not create an environmental risk to health or risk to safety that may disproportionately affect children.

11. Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

12. Energy Effects

This action is not a "significant energy action" under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use.

13. Technical Standards

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

14. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023-01 and Commandant Instruction M16475.1D, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321-4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment.

This rule involves the establishment of a security zone and is therefore, categorically excluded under paragraph 34(g) of Figure 2-1 of the Commandant Instruction. An environmental analysis checklist supporting this determination and a Categorical Exclusion Determination are available in the docket where indicated under ADDRESSES. We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR Part 165 as follows:

PART 165- REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 46 U.S.C. Chapters 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05-1, 6.04-1, 6.04-6, and 160.5; Pub. L. 107-295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

2. Amend § 165.915 by adding paragraph (a)(3) to read as follows:

§ 165.915 Security zones; Captain of the Port Detroit.

(a) * * *

(3) North American International Auto Show, Detroit River, Detroit, MI. All waters of the Detroit River encompassed by a line beginning at a point of origin on land adjacent to the west end of Joe Lewis Arena at 42° 19.44' N, 083° 03.11' W; then extending offshore approximately 150 yards to 42° 19.39' N, 083° 03.07' W; then proceeding upriver approximately 2000 yards to a point at 42° 19.72' N, 083° 01.88' W; then proceeding onshore to a point on land adjacent to the Tricentennial State Park at 42° 19.79' N, 083° 01.90' W; then proceeding downriver along the shoreline to connect back to the point of origin on land adjacent to the west end of the Joe Louis Arena (NAD 83). This

security zone will be enforced for two weeks in the month of January with the exact dates and times to be published annually via a Notice of Enforcement.

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Dated: January 10, 2014

J. E. OGDEN
Captain, U.S. Coast Guard
Captain of the Port, Sector Detroit

[FR Doc. 2014-01290 Filed 01/23/2014 at 8:45 am; Publication Date: 01/24/2014]